

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

Docket Number: 6099/008

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **"BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS"** the specification of which is attached hereto unless the following is checked:

___ was filed on ___ as United States Provisional Application Number ___ and was amended on ___ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Priority Claimed ___ Yes ___ No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	___ Yes ___ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>08/346,425</u>	<u>November 28, 1994</u>	<u>pending</u>
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
<u>08/550,886</u>	<u>October 31, 1995</u>	<u>pending</u>
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith: Donald M. Duft 17,484; James M. Graziano 28,300; Carl A. Forest 28,494; Mark A. Guetlich 38,900; Dan Cleveland, Jr. 36,106; Martin L. Shively 33,553; Michael J. Setter 37,936 and Steven W. Weinrieb 28,520. Address all telephone calls to James M. Graziano at Telephone No. (303) 449-9497 and address all correspondence to James M. Graziano, DUFT, GRAZIANO & FOREST, P.C., 1790 - 30th Street, Suite 140, Boulder, Colorado 80301-1018.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor (given name, family name) Frederick S. M. Herz

Inventor's signature _____
 Residence Davis, West Virginia Date _____
 Post Office Address Box 625 Canaan Valley, Davis, West Virginia 26260 Citizenship U.S.A.

Full name of second joint inventor (given name, family name) Jonathan M. Smith

Inventor's signature _____
 Residence Princeton, New Jersey Date _____
 Post Office Address 771 Princeton-Kingston Road, Princeton, New Jersey 08540-4165 Citizenship U.S.A.

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Full name of third inventor (given name, family name) David Wachob

Inventor's signature _____

Date _____

Residence Elkins Park, Pennsylvania

Citizenship U.S.A.

Post Office Address 8379 Glen Road, Elkins Park, Pennsylvania 19117

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b)) -- INDEPENDENT INVENTOR**

Applicant or Patentee: Frederick S.M. Herz, Jonathan M. Smith and David Wachob Docket Number: 6099/008
Serial or Patent Number: _____
Filed or Issued: Herewith

Title: **BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern or organization exists.
☒ Each such person, concern or organization is listed below:

FULL NAME: Frederick S.M. Herz

ADDRESS: _____

☒ INDIVIDUAL ☐ SMALL BUS. CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME: _____

ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUS. CONCERN ☐ NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Frederick S.M. Herz

Name of Inventor

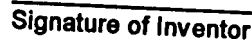


Signature of Inventor

Date

Jonathan M. Smith

Name of Inventor

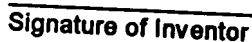


Signature of Inventor

Date

David Wachob

Name of Inventor



Signature of Inventor

Date